

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

Airbus

for an exemption from §§ 25.812(b)(1)(i),
25.853, 25.855, 25.857, 25.858 and 25.1439(a)
of Title 14, Code of Federal Regulations

Regulatory Docket No. FAA-2003-15527

GRANT OF EXEMPTION

By letter dated April 9, 2004, Mr. Ganz Hermann, Vice President, Airbus Product Integrity – Airworthiness Standards, Airbus, 1 Rond-Point Maurice Bellonte, 31707 Blagnac Cedex, France, petitioned for an amendment to Exemption No. 8084, issued on July 2, 2003. That exemption granted Airbus certain relief from the requirements of §§ 25.812(b)(1)(i), 25.853, 25.855, 25.857, 25.858 and 25.1439(a) of Title 14, Code of Federal Regulations to allow the installation and operation of lower deck mobile crew rests (LD-MCR) on Airbus Model A330 airplanes for 12 months from the date of issuance. The petitioner now requests a three-month extension of Exemption No. 8084.

The petitioner requests relief from the following regulations:

Section 25.812(b)(1)(i) at Amendment 25-58 - Emergency lighting.

Section 25.853 at Amendment 25-66 – Compartment interiors.

Section 25.855 at Amendment 25-60 – Cargo or baggage compartments.

Section 25.857 at Amendment 25-60 – Cargo compartment classification.

Section 25.858 at Amendment 25-54 – Cargo or baggage compartment smoke or fire detection systems.

Section 25.1439(a) at Amendment 25-38 – Protective breathing equipment.

A summary of the petition submitted by Airbus is as follows:

Airbus petitions for a three (3) month extension of Exemption No. 8084 from 14 CFR 25.812(b)(1)(i) at Amendment 25-58; 14 CFR 25.853 at Amendment 25-66; 14 CFR 25.855 at Amendment 25-60; 14 CFR 25.857 at Amendment 25-60; 14 CFR 25.858 at Amendment 25-54; and 14 CFR 25.1439(a) at Amendment 25-38 in order to permit FAA to issue and Airbus to document compliance with special conditions to be issued by FAA, governing the lower deck crew rest facility.¹

FAA's determination as to need for public comment period

The FAA has determined that good cause exists for waiving the requirement for a public comment period on the petition to amend Exemption No. 8084 for the following reasons:

- Delaying action on this petition would adversely affect the petitioner, and
- This petition requests an exemption identical to that granted by Exemption No. 8084, except for a 3 month extension of the expiration date.

The FAA's analysis/summary is as follows:

In addition to the actions presented in its petition dated April 9, 2004, Airbus has incorporated certain design changes to ensure that all LD-MCRs on A330 airplanes—beginning with manufacturer's serial number (MSN) 591—which are delivered to Northwest Airlines (NWA) on or after April 28, 2004, will conform to the proposed special conditions contained in the FAA's internal issue paper entitled "A330/A340 Lower Deck Mobile Crew Rest Special Conditions for Cabin Safety Certification." Furthermore, the LD-MCRs on foreign registered A330 airplanes have been previously certified to special conditions developed by the Joint Aviation Authorities (JAA) and documented in A330/340 Certification Review Item, "Underfloor Crew Rest Compartment," dated May 2, 1993. These facts support granting an extension to Exemption No. 8084 to Airbus.

As indicated above, the FAA has developed proposed special conditions for LD-MCRs on A330 airplanes, but they have not yet been published for public comment. As a result, final special conditions will not be available before the scheduled delivery of new airplanes with LD-MCRs to NWA. In addition, they will not be available in time to incorporate any changes—which may be necessary to meet the final special conditions—to the six airplanes with LD-MCRs which were delivered to NWA prior to April 28, 2004.

The FAA considers that it is in the public interest to extend the time limitation of Exemption No. 8084 for the following reasons:

- It would provide time for the FAA to publish the proposed special conditions pertaining to LD-MCR's on A330 airplanes for public comment, to consider any comments received, and to issue final special conditions;

¹ To see a complete copy of the petition submitted by Airbus on April 9, 2004, see the Docket Management System on the Internet at dms.dot.gov. Click on Simple Search, enter Docket No. 15527, and click on Search.

- It would prevent significant delay in the delivery of new NWA airplanes with LD-MCRs; and
- It would allow sufficient time for design changes necessitated by the final special conditions, if any, to be incorporated on LD-MCRs on the six airplanes which were delivered previously to NWA.

Airbus has petitioned for an extension of three months to the expiration date of Exemption No. 8084. However, the FAA considers that the exemption should be extended for six months to allow adequate time for the agency to address any public comments which it may receive on the proposed special conditions and to publish final special conditions and for Airbus to incorporate any design changes necessitated by the final special conditions.

In consideration of the foregoing, I find that an amendment to Exemption No. 8084 is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, Airbus is hereby granted an amendment to Exemption No. 8084 to extend its expiration date to January 3, 2005. This exemption is applicable to Airbus Model A330 airplanes and is subject to the following limitations:

1. Airbus must receive confirmation from the JAA that the LD-MCRs meet the JAA's special conditions documented in A330/340 Certification Review Item, "Underfloor Crew Rest Compartment," dated May 2, 1993.
2. Airbus must demonstrate compliance to the FAA's final special conditions pertaining to installation and operation of LD-MCRs prior to expiration of this exemption. Such compliance may necessitate certain design changes associated with installation and operation of the LD-MCRs. If any design changes are necessary and they are not accomplished and approved by the FAA before the expiration of this amendment to Exemption No. 8084, placards must be placed on the LD-MCRs, specifying that they may not be occupied during any phase of flight.

Issued in Renton Washington, on June 23, 2004.

Kalene C. Yanamura
Acting Manager
Transport Airplane Directorate
Aircraft Certification Service